
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO BURNSIDE,

Defendant.

**MEMORANDUM DECISION AND
ORDER GRANTING EARLY
TERMINATION OF SUPERVISED
RELEASE**

Case No. 2:10CR1077DAK

Judge Dale A. Kimball

This matter is before the court on Defendant Ricardo Burnside's motion for early termination of supervised release. On October 20, 2011, the court sentenced Defendant to 24 months incarceration with the United States Bureau of Prisons followed by a 60-month term of supervised release. Defendant has served 30 months of his 60-month term of supervised release. His term of supervised release is currently set to expire on August 4, 2017.

Pursuant to 18 U.S.C. § 3583(e)(1), after considering the factors set forth in Section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), and (a)(6), the court may terminate a term of supervised release "at any time after the expiration of one year of supervised release . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice." The factors to be considered in Section 3553(a) are those factors to be considered in imposing a sentence, including "the nature and circumstances of the offense and the history and characteristics of the defendant," the applicable sentencing guidelines and any

policy statements issued by the Sentencing Commission, and the need for the sentence imposed to promote respect for the law, to provide just punishment, to deter other criminal conduct, and to provide the defendant with needed services. *See* 18 U.S.C. § 3553(a).

Defendant seeks early termination of supervised release because of health problems. The court has contacted Defendant's probation officer and the Assistant United States Attorney on this case. Neither support or oppose the motion. However, Defendant's probation officer has given valuable information to the court. Defendant is 62 years old. While incarcerated, he was treated for hepatitis C, hypertension, an ulcerative colitis. He continues to be treated, has frequent doctor appointments, and is taking medications, including narcotic medication for pain management. Currently his doctor has recommended surgery for his Ulcerative Colitis which may result in a colostomy bag. He cannot leave his house for a lengthy period of time due to his health problems. He resides alone in an apartment in Salt Lake City and has been reporting to probation on a monthly basis.

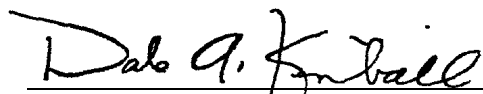
Defendant has completed outpatient treatment and had no compliance issues while on supervised release. Defendant's only income is monthly Social Security disability benefits. He is making monthly payments toward his \$10,469.65 restitution obligation. He has not been able to make the full monthly payments due to his financial situation. The restitution currently owed is \$10,094.64. However, Defendant has consistently paid his monthly restitution despite his limited income.

Based on Defendant's health issues and his consistent payments on his restitution despite his limited income, the court finds that an early termination of supervised release is warranted.

Accordingly, the court grants Defendant's motion for early termination of supervised release.

DATED this 11th day of February, 2015.

BY THE COURT:



DALE A. KIMBALL
United States District Judge